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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,197	01/31/2001	Leland James Wieschuegel	AUS92000094SUS1	4475

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EXAMINER

NICHOLSON, ERIC K

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/773,197

Applicant(s)

Wiesehuegel

Examiner

Nicholson

Art Unit

3679

-- The MAILING DATE of this communication appears on th cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s)
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,606,603 to Joseph et al. in view of U.S. patent 5,303,379 to Khoyi et al..

Joseph et al. discloses the claimed device of a method and apparatus for ordering items using an electronic catalogs by providing electronic catalogs of information for bid or purchasing through an online auction or bidding system, see column 4, lines 5-30 and column 6, lines 6-9 and 45-50. The system is intended to function on a business-to-business platform (column 1, lines 55-60) and is considered to be a portal arrangement (column 5, line 40). The catalog apparatus provides at least two repositories of information sets and data items indexed to market identifiers, see column 4, lines 25-36; column 5, lines 35-40 and column 6, lines 10-17. The catalog apparatus and method promotes the information on the system server in response to authorization of the trader, see column 6, lines 45-50; column 7, lines 3-13 and column 9, lines 1-15. The catalog apparatus and method present the contents to one or more online bidders by internet auction, see column 9, line 15-20 and further, such presentation which would also be considered to be

inherent in merely just having a web site posted on the internet. While Joseph et al. does discuss “automatically” receiving the catalog data from the supplier (column 10, lines 6-7 and 18-20) he does not disclose dynamically linking the information sets to part numbers for the products nor synchronizing the contents of the server with the repositories. However such is considered to be known as evidenced by Khoyi et al. which discloses that it is known in the art to provide a similar type catalog application by way of providing at least two repositories of information sets and data items; dynamically linking the information sets and data items to part numbers for available products; (column 3, lines 45-60) and synchronizing contents of the repositories such that all information sets and data items within all repositories represent full information sets of most recently created data items (column 3, lines 65-70 continuing to column 4, lines 1-7). It would have been obvious to one having ordinary skill in the art at the time the invention was made to dynamically link the information sets of Joseph et al. and synchronizing contents of the repositories such that all information sets and data items within all repositories represent full information as taught by Khoyi et al. in order to provide a quicker updated information in a timely form so that each user has the most recent version of a particular body of data, see column 2, lines 1-15.

As to claims 2,7 and 12 see Khoyi et al. column 4, lines 1-4, wherein the step of synchronizing is performed on a periodic basis.

As to claims 3,8 and 13 see Khoyi et al. column 4, lines 2-3, wherein the step of synchronizing is performed responsive to a request for the information sets in any of the repositories such as by being opened, displayed or edited.

As to claims 4,9 and 14 see Khoyi et al. column 13, lines 30-63 wherein the step of providing a list to a user is viewed as a spreadsheet with text or numerical information and as noted on column 3, lines 65-66 such information is dynamically linked.

As to claims 5, 10 and 15 see Khoyi et al. column 3, line 65 which indicates that the data can be statically linked and column 42, lines 10-20 which further indicates the step of saving a copy of an information set linked such that the saved copy is statically linked to the most recently created data items.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,606,603 to Joseph et al. in view of U.S. patent 5,117,354 to Long et al..

As noted above, Joseph et al. discloses the claimed device of a method and apparatus for ordering items using an electronic catalogs by providing electronic

catalogs of information for bid or purchasing through an online auction or bidding system, see column 4, lines 5-30 and column 6, lines 6-9 and 45-50. The system is intended to function on a business-to-business platform (column 1, lines 55-60) and is considered to be a portal arrangement (column 5, line 40). The catalog apparatus provides at least two repositories of information sets and data items indexed to market identifiers, see column 4, lines 25-36; column 5, lines 35-40 and column 6, lines 10-17. The catalog apparatus and method promotes the information on the system server in response to authorization of the trader, see column 6, lines 45-50; column 7, lines 3-13 and column 9, lines 1-15. The catalog apparatus and method present the contents to one or more online bidders by internet auction, see column 9, line 15-20 and further, such presentation which would also be considered to be inherent in merely just having a web site posted on the internet. While Joseph et al. does discuss “automatically” receiving the catalog data from the supplier (column 10, lines 6-7 and 18-20) he does not disclose dynamically linking the information sets to part numbers for the products nor synchronizing the contents of the server with the repositories. However such is considered to be known as evidenced by Long et al. which discloses that it is known in the art to provide a similar type catalog application by way of providing at least two repositories of information sets and data items; dynamically linking the information sets and data

items to part numbers for available products; (column 4, lines 20-30) and synchronizing contents of the repositories such that all information sets and data items within all repositories represent full information sets of most recently created data items (column 4, lines 30-35; column 9, lines 30-40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to dynamically link the information sets of Joseph et al. and synchronizing contents of the repositories such that all information sets and data items within all repositories represent full information as taught by Long et al. in order to provide information in a prompt and expeditious manner while lowering the probability of erroneous price quotes and incorrect errors, see column 3, lines 1-3.

As to claims 2,7 and 12 see Long et al. column 4, lines 30-35; column 9, lines 30-40, wherein the step of synchronizing is performed on a periodic basis.

As to claims 4,9 and 14 see Long et al. column 4, lines 20-25 wherein the step of providing a list to a user such information is dynamically linked.

As to claims 5, 10 and 15 see Long et al. column 8, lines 25-35 which indicates the data can be statically linked and column 42, lines 10-20 which further indicates the step of saving a copy of an information set

linked such that the saved copy is statically linked to the most recently created data items.

Conclusion

Applicant's arguments with respect to claims 1-15 have been reviewed but are deemed moot in view of the new art and rejection.

Applicant's to the claims necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however,

will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The newly cited art disclose electronic catalog systems, all containing various features of the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Nicholson whose telephone number is (703) 308-0829. The examiner can normally be reached on Tuesdays thru Fridays from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne, can be reached on (703) 308-1159.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-1113.

ekn
11/12/2003


Eric K. Nicholson
Primary Examiner
Technology Center 3600